

REMARKS

Claims 27-61 are under examination in this case. Claims 28, 34-37, 60, and 61 stand rejected under 35 U.S.C. § 112, second paragraph, and claims 27-61 stand rejected under 35 U.S.C. § 112, first paragraph. Claim 36 stands objected to. Each of these issues is addressed below.

Amendments

Claims 27, 28, 34-36, 43, 60, and 61 have been amended. The amendment to claim 27 finds support, for example, in original claim 44, now cancelled, and in the specification at page 11, lines 24-25, Example 6, and Figure 2 (and accompanying text at page 16, lines 21-30). Amendments to claims 28, 34-36, 43, 60, and 61 merely clarify claim language. New claims 62-64 find support in the specification, for example, as follows: claim 62, original claim 35; claim 63, original claim 60; and claim 64, original claim 61. These amendments add no new matter.

For the record, Applicants do not agree with the present rejections and reserve the right to pursue all cancelled subject matter in this or a future, related application.

Claim Objection

Claim 36 stands objected to as including duplicate elements. The claim has been amended to overcome this objection.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 28, 34-37, 60 and 61 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for reciting both broad and narrow limitation ranges. The terms “optionally,” “preferably,” “in particular,” and “for example” have been removed from these claims, and the rejection may be withdrawn.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 27-61 also stand rejected, under 35 U.S.C. § 112, first paragraph as lacking a written description. The Office states that Applicants did not have possession of “all types of mutated structural proteins,” but rather “only had possession of certain types of mutated structural protein (*surface-located portion* or at the N-terminus of the structural protein).” While Applicants do not agree with the rejection, claim 27 (and its dependent claims 28-61) have been amended to require that the AAV structural protein include a mutation that is located on the virus surface, one of the classes of mutants indicated by the Office to satisfy the written description requirement. Applicant notes that the Office also mentions other characteristics of mutated AAV structural proteins described by Applicants in the specification, such as particle formation capacity, negligible reduction in viral infectivity, increasing thermal stability, and reduction in antigenicity. As these characteristics are of secondary importance to AAV purification, however, they have not been included in independent claim 27 – a claim directed to a “method of purifying AAV and/or AAV particles.” This basis for the rejection may be withdrawn.

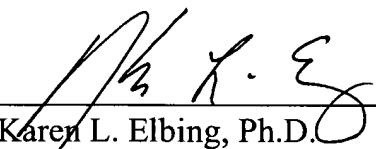
CONCLUSION

Applicant submits that the claims are in condition for allowance, and such action is respectfully requested.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 28 July 2005



Karen L. Elbing, Ph.D.
Reg. No. 35,238

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

F:\50125\50125.045001 reply to 05.03.05 oa.doc